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9 **UNITED STATES DISTRICT COURT**
10 **SOUTHERN DISTRICT OF CALIFORNIA**

11 ASHWIN KHOBRAHADE,

12 Plaintiff,

13 vs.

14 COVIDIEN LP,

15 Defendant.

Case No.: 3:16-cv-00468-WQH-AGS

Hon. William Q. Hayes

JOINT RULE 26(f) REPORT

Complaint filed: February 19, 2016

1 Counsel for the Plaintiff Ashwin Khobragade (“Plaintiff” or “Khobragade”)
2 and counsel for Defendant Covidien LP (“Covidien” or “Defendant”), conducted a
3 telephonic conference in accordance with Fed. R. Civ. P. 26(f), and this Court’s
4 June 26, 2017 Notice and Order: (1) For Early Neutral Evaluation and (2) Setting
5 Rule 26 Compliance and Case Management Conference (Dkt. # 16) (the “Order”)
6 on July 12, 2017. William D. Bowen and Plaintiff Ashwin Khobragade
7 participated in the conference on behalf of Plaintiff. Deidra A. Nguyen participated
8 on behalf of Defendant. Plaintiff and Defendant (jointly, the “Parties”) jointly
9 submit this Discovery Plan detailing the results of the conference.

10
11 **I. FED. R. CIV. P. 26(f)(3) ISSUES TO ADDRESS**

12 A. What changes should be made in the timing, form, or requirement for
13 disclosures under Rule 26(a), including a statement of when initial disclosures
14 were made or will be made.

15 No changes are needed to Rule 26(a) disclosures. The Parties agree that
16 initial disclosures shall be made as specified in the Order.

17
18 B. The subjects on which discovery may be needed, when discovery
19 should be completed, and whether discovery should be conducted in phases or be
20 limited to or focused on particular issues.

21 The Parties anticipate that discovery may be taken on subjects such as the
22 motivations and process surrounding Plaintiff’s termination, any performance and
23 conduct issues related to Plaintiff’s employment and termination, Plaintiff’s leaves
24 of absence, and the facts and process surrounding Plaintiff’s immigration status.
25 The Parties agree that there is no need to conduct discovery in phases or limit or
26 focus it to particular issues and do not currently propose or anticipate changes to
27
28

1 the standard discovery procedures as outlined in the Federal Rules of Civil
2 Procedure, with the specific deadlines contemplated in the Order.

3
4 C. Any issues about disclosure or discovery of electronically stored
5 information, including the form or forms in which it should be produced.

6 The Parties agree that there are no special issues relating to disclosure or
7 discovery of electronically stored information in this matter.

8
9 D. Any issues about claims of privilege or of protection as trial-
10 preparation materials, including – if the Parties agree on a procedure to assert these
11 claims after production – whether to ask the Court to include their agreement in an
12 order.

13 The Parties agree that claims of privilege, including attorney work product,
14 shall be governed by the Federal Rules of Civil Procedure and prevailing case law.
15 To the extent responsive to permissible discovery requests, the Parties agree to
16 provide privilege logs for pre-suit privileged documents or communications and
17 that privilege logs are not required for post-suit privileged documents or
18 communications.

19
20 E. What changes should be made in the limitations on discovery imposed
21 under these rules or by local rule, and what other limitations should be imposed.

22 The Parties currently do not propose or anticipate any changes to the
23 limitations on discovery.

24
25 F. Any other orders that the Court should issue under Rule 26(c) or
26 under Rule 16(b) and (c).

The Parties currently do not propose or anticipate requesting any other orders under Rule 26(c) or under Rule 16(b) and (c).

Respectfully submitted,

Dated: July 20, 2017

LAW OFFICES OF WILLIAM D. BOWEN

By: /William D. Bowen/
William D. Bowen

Attorneys for Plaintiff Ashwin Khobragade

Dated: July 20, 2017

LITTLER MENDELSON P.C.

By: / Deidra A. Nguyen /
Deidra A. Nguyen
Email: DANguyen@littler.com

Attorneys for Defendant Covidien, LP

Signature Certification:

Pursuant to Section 2(f)(4) of the Electronic Case Filing Administrative Policies and Procedures Manual, I hereby certify that the content of this document

1 is acceptable to Deidra A. Nguyen, counsel for Defendant, and that I have obtained
2 Ms. Nguyen's authorization to affix her electronic signature to this document.

3
4 Dated: July 20, 2017

LAW OFFICES OF WILLIAM D. BOWEN

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6 By: /William D. Bowen/
William D. Bowen

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8 *Attorneys for Plaintiff Ashwin Khobragade*
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